

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
KALEIL ISAZA TUZMAN,	:	
	:	S8 15 Cr. 536 (PGG)
Defendant.	:	
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WHEREAS, on or about December 22, 2016, KALEIL ISAZA TUZMAN (the “Defendant”), among others, was charged in three counts of a six-count Superseding Indictment, S8 15 Cr. 536 (PGG) (the “Indictment”), with conspiracy to commit securities fraud, in violation of Title 18, United States Code, Section 371 (Count Four); conspiracy to commit wire fraud, in violation of Title 18, United States Code, Sections 1349 (Count Five); and conspiracy to commit securities fraud, make false statements in annual and quarterly SEC reports, and make false statements to auditors, in violation of Title 18, United States Code, Section 371 (Count Six);

WHEREAS, the Indictment included a forfeiture allegation as to Counts Four through Six of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts Four through Six of the Indictment;

WHEREAS, on or about December 26, 2017, the Defendant was convicted, following a jury trial, of Counts Four through Six of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$288,000 in United States currency representing the amount of proceeds traceable to

the offenses charged in Counts Four through Six of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts Four through Six of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorneys, Joshua A. Naftalis, Andrea M. Griswold, and Daniel M. Tracer, of counsel, and the Defendant, and his counsel, Avi Weitzman, Esq., that:

1. As a result of the offenses charged in Counts Four through Six of the Indictment, to which the Defendant was found guilty following a jury trial, a money judgment in the amount of \$288,000 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Counts Four through Six of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. The Defendant shall make best efforts to make full payment of the Money Judgment within 90 days of this Consent Preliminary Order of Forfeiture/Money Judgment or the release of the security posted for the Defendant’s bail, whichever is later.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

5. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

8. Notwithstanding Paragraphs 6 and 7 of this Order, the United States of America agrees to abstain from pursuing the forfeiture of substitute assets until after the conclusion of the ninety (90) day period referenced in Paragraph 3 of this Order.

9. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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10. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS  
United States Attorney for the  
Southern District of New York

By: \_\_\_\_\_  
Joshua A. Naftalis  
Andrea M. Griswold  
Daniel M. Tracer  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2200

\_\_\_\_\_  
DATE

KALEIL ISAZA TUZMAN

By: \_\_\_\_\_  
Kaleil Isaza Tuzman

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
Avi Weitzman, Esq.  
Attorney for Defendant  
Gibson, Dunn & Crutcher LLP  
200 Park Avenue  
New York, NY 10166-0193

\_\_\_\_\_  
DATE

SO ORDERED:

\_\_\_\_\_  
HONORABLE PAUL G. GARDEPHE  
UNITED STATES DISTRICT JUDGE

\_\_\_\_\_  
DATE